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Elections

Elections; committee disclosure

Government Code §§83116.5, 84105, 91008.5, 91013.5, 91015 (new);
§83013 (amended).
SB 1438 (Craven); 1984 STAT. Ch 670

Under the Political Reform Act of 1974 (hereinafter referred to as the Act),¹ any person making a contribution² of \$5,000 or more was considered to be a committee³ and was required to file⁴ specified campaign reports.⁵ Chapter 670 increases the contribution amount to \$10,000,⁶ and requires candidates⁷ or committees⁸ who receive contributions of \$5,000 or more to notify contributors they may be required to file campaign reports.⁹

Chapter 670 clarifies the liability provisions for violations of the Act to include all persons in charge of planning, organizing, or directing campaign activities.¹⁰ Chapter 670 also imposes liability on any person who purposely or negligently causes another to violate any provision, or who aids and abets another to violate provisions of the Act.¹¹ If the Fair Political Practices Commissioner¹² (hereinafter referred to as the Commissioner) has conducted a hearing, determined a violation of the Act occurred, and issued an order¹³ regarding a violation of (1) the reporting requirements,¹⁴ (2) unlawful contributions,¹⁵ or (3) a civil action for which no specific civil penalty is provided, further civil action based on those violations is prohibited.¹⁶

1. See CAL. GOV'T CODE §§1000-91574 (Political Reform Act of 1974).

2. 2 CAL. ADM. CODE §18215 (1984) (definition of contribution); see also CAL. GOV'T CODE §82015.

3. 2 CAL. ADM. CODE §18419 (1983) (definition of committee).

4. See CAL. GOV'T CODE §§81005, 84101 (filing requirements).

5. *Id.* §84101 (Statement of Organization; filing).

6. *Id.* §82013(c).

7. *Id.* §82007 (definition of candidate).

8. *Id.* §82013 (definition of committee).

9. *Id.* §84105 (notification within two weeks of receipt of contribution).

10. *Id.* §83116.5.

11. *Id.*

12. *Id.* §83100 (establishment; membership of the Fair Political Practices Commission).

13. *Id.* §83116 (hearing and subsequent order).

14. *Id.* §91004.

15. *Id.* §91005.

16. *Id.* §§91005.5, 91008.5.

Notwithstanding the prohibition of any further civil action, Chapter 670 provides that the Commissioner may bring a civil action to collect any unpaid penalties, fees, or civil penalties imposed pursuant to Chapter 670.¹⁷ Before that action may be initiated, however, the Commissioner or filing officer must make a demand for payment, of which the defendant must have actual or constructive notice.¹⁸

17. *Id.* §91013.5.

18. *Id.* §91013.5(b).